

IN THE SUPREME COURT OF OHIO  
COLUMBUS, OHIO

STATE OF OHIO,	)	CASE NO. 1989-1291
	)	
Plaintiff-Appellee,	)	
	)	
-vs-	)	
	)	DEATH PENALTY CASE
DAVID ALLEN SNEED,	)	
	)	
Defendant-Appellant.	)	

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MOTION TO WITHDRAW MOTION TO LIFT STAY AND SET EXECUTION DATE OF  
PLAINTIFF-APPELLEE, STATE OF OHIO

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KYLE L. STONE (0095140),  
PROSECUTING ATTORNEY,  
STARK COUNTY, OHIO

Alan C. Rossman  
Sup. Ct. Reg. No. 0019893  
Assistant Federal Public Defender (Lead)

and

By: Vicki L. DeSantis  
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Counsel for Plaintiff-Appellee

Counsel for Defendant-Appellant

OTHER COUNSEL:

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Carol Ann Wright  
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Now comes Plaintiff-Appellee, the State of Ohio, and hereby notifies the Court that the State of Ohio is withdrawing its Motion to Lift Stay and Set Execution Date. Following a motion for post-conviction relief filed by Defendant-Appellant, David Sneed, (hereinafter “Sneed”), pursuant to R.C. 2953.21(A)(1)(a)(iv), in Stark County Court of Common Pleas Case No. 84-4515, and unopposed by the State, the trial court held a hearing on said motion on January 31, 2022. The trial court found, by a preponderance of the evidence, that Sneed had serious mental illness at the time of the crimes and granted said Petition finding Sneed ineligible for the death penalty. WHEREFORE, the trial court vacated the death penalty and resentenced Sneed on January 31, 2022 to Life without Parole on the charge of Aggravated Murder. See attached Judgment Entry incorporated herein by reference.

**KYLE L. STONE, #0095140  
PROSECUTING ATTORNEY  
STARK COUNTY, OHIO**

/s/ Vicki DeSantis

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Counsel for Plaintiff-Appellee

**CERTIFICATE OF SERVICE**

A copy of the foregoing MOTION TO WITHDRAW was sent by ordinary U.S. mail, postage prepaid, this 9<sup>th</sup> day of February 2022, to Alan C. Rossman and Jillian S. Davis, counsel for Defendant-Appellant, at 1660 West Second Street, Suite 750, Cleveland, Ohio 44113, and other counsel, William S. Lazarow, 400 South Fifth St., Suite 301, Columbus, Ohio 43215, Allen Linn Bohnert, 10 West Broad St., Suite 1020, Columbus, Ohio 43215, and Carol Ann Wright, 10 West Broad St., Suite 1020, Columbus, Ohio 43215.

/s/ Vicki DeSantis  
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Vicki L. DeSantis (0075716)  
Counsel for Plaintiff-Appellee

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LYNN M. TODA  
CLERK OF COURTS  
STARK COUNTY, OHIO

2022 FEB -3 AM 11:29

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

STATE OF OHIO,

CASE NO. 84-4515

Plaintiff,

JUDGE TARYN L. HEATH

vs.

JUDGMENT ENTRY

DAVID ALLEN SNEED,

RESENTENCING

Defendant.

This day, January 31, 2022, the Defendant, DAVID ALLEN SNEED, was present via video link with the Ohio Department of Corrections, and his counsel, Alan Rossman, Assistant Federal Public Defender, ND OH, et al., were all present via video link. All parties acknowledged that they could see and hear the proceedings. The Defendant having heretofore been found guilty by jury on June 11, 1986, to the crimes of Aggravated Murder (with firearm specification and aggravated circumstances specification), 1 ct. [R.C. 2903.01 and 2941.141(A) and 2929.04(A)(7)] and Aggravated Robbery (with firearm specification), 1 ct. [R.C. 2911.01 and 2941.141(A) and 2929.71(A)] as charged in the Indictment, and having subsequently been sentenced to death on Count One and a prison term of not less than ten (10) years and no more than twenty-five (25) years on Count Two. Upon review of the circumstances

at the time of sentencing, the Court hereby finds that a sentence modification is warranted.

On July 27, 1986, the jury having heard the mitigation evidence, the arguments of counsel, and the Court's instructions of law, returned unanimous verdicts finding beyond a reasonable doubt that the aggravating circumstances of which the Defendant was found guilty outweighed the mitigating factors and recommended that the Defendant be sentenced to death on count one of Aggravated Murder with specifications.

On July 30, 1986, the Court considered the mitigating factors requested by Defendant's counsel set forth in R.C. 2929.04(b)(3)(5) and (7), as well as the nature and circumstances of the offense and the history, character and background of the offender. After weighing the aggravating circumstances against the mitigating factors, the Court found beyond a reasonable doubt that the aggravating circumstances outweighed the mitigating factors and sentenced the defendant to Death.

Subsequently, on or about July 14, 2021, Defendant filed a 60(B) motion requesting relief from judgment. The State opposed said motion on August 3, 2021. On January 31, 2022, the Court held a hearing on the motion. At that time, Defendant orally moved to convert his motion to a post-conviction relief motion pursuant to R.C. 2953.21(A)(1)(a)(iv). The State agreed with and does not oppose said post-conviction relief motion. The Court found, by a preponderance of the evidence introduced during the hearing, that Defendant met the criteria for serious mental illness at the time of the crimes. The State of Ohio and the Defendant stipulated to the report by Dr. Tilley. Upon review

by the Court, the Court GRANTED said Petition on or about January 31, 2022, finding Defendant ineligible for the death penalty.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant's death sentence is VACATED and the Defendant is hereby re-sentenced to Life without parole on the charge of Aggravated Murder (with firearm specification and aggravated circumstances specification), 1 ct. [R.C. 2903.01 and 2941.141(A) and 2929.04(A)(7)], as contained in Count One of the Indictment, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant has served all of his sentence on the charge of Aggravated Robbery (with firearm specification), 1 ct. [R.C. 2911.01 and 2941.141(A) and 2929.71(A)], as contained in Count Two of the Indictment, and

Upon release from prison, the Defendant was advised that he is ordered to serve a mandatory minimum two (2) years of post-release control, up to a maximum of five (5) years, at the discretion of the Parole Board, pursuant to R.C. 2967.28. This period of post-release control was imposed as part of Defendant's criminal sentence at the sentencing hearing, pursuant to R.C. 2929.19 and includes a condition to successfully complete the Stark County Re-Entry Court if the Defendant resides in Stark County. If the Defendant violates the conditions of post-release control, the Defendant will be subject to an additional prison term of up to one-half of the stated prison term as otherwise determined by the Parole Board, pursuant to law. The Adult Parole Authority administers post-release control pursuant to R.C. 2967.28 and that

any violation by the offender of the conditions of post-release control will subject the offender to the consequences set forth in the statute.

If the Defendant commits another felony while subject to this period of control or supervision, the Defendant may be subject to an additional prison term consisting of the maximum period of unserved time remaining on post-release control as set out above or 12 months whichever is greater.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Defendant is entitled to jail time credit which has been previously calculated and forwarded to the institution, as well as any additional days spent in the Stark County jail in conjunction with this hearing. The Defendant is also entitled to credit for institution time previously served on this case.

IT IS HEREIN ORDERED that the costs of prosecution are waived due to Defendant's indigent status.



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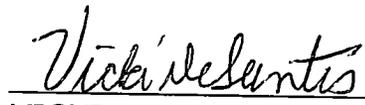
JUDGE TARYN L. HEATH

APPROVED BY:



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KYLE L. STONE, #0095140  
PROSECUTING ATTORNEY



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VICKI L. DESANTIS, #0075716  
ASSISTANT PROSECUTING ATTORNEY